

March 4, 2019

VIA ELECTRONIC FILING

Ex Parte

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: TerreStar Corporation Request for Temporary Waiver of Substantial-Service Requirements – WT Docket No. 16-290

Dear Ms. Dortch:

I and my partner Helgi Walker represent TerreStar Corporation in the above-titled matter. On December 31, 2018, Chairman Pai wrote to numerous members of Congress regarding their interest in the vital importance of Wireless Medical Telemetry Service (“WMTS”). He agreed “that telemedicine and wireless technologies have great potential to improve patient outcomes and reduce the costs of our health care system.” And he observed that “expanding [WMTS] in the 1.4 GHz band is an innovative opportunity—and one that deserves [the FCC’s] attention.” We are submitting copies of Chairman Pai’s letters with this letter, for inclusion in the record.

Chairman Pai’s letters underscore the reasons why the Bureau must reconsider its October 10, 2017 Order denying TerreStar’s request for a temporary waiver or extension of substantial service requirements. As TerreStar has previously explained, it could not fulfill its substantial service obligations because a problem in the FCC’s own rules caused its fully compliant planned use of the 1.4 GHz spectrum to be fundamentally incompatible with WMTS use in adjacent spectrum.¹ In light of Chairman Pai’s letters recognizing the many benefits of WMTS, there can be now no dispute that TerreStar’s innovative solution to this problem—using its spectrum to *expand* WMTS—would serve “the public interest.” 47 C.F.R. § 1.925(b)(3)(ii). And because TerreStar is uniquely positioned to ensure the rapid deployment of lifesaving WMTS technology, granting TerreStar’s waiver request would be

¹ See, e.g., Legal Analysis of the Wireless Telecommunications Bureau’s Denial of TerreStar’s Request for Temporary Waiver or Extension of Substantial-Service Requirements, at 5–7 (attached to Letter from Eugene Scalia, Counsel to TerreStar Corporation, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 16-290 (filed Jan. 29, 2018)) (“TerreStar Legal Analysis”).

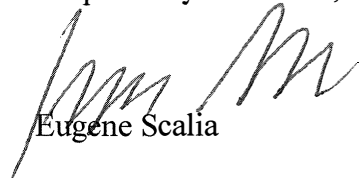
vastly more beneficial than denying the request and delaying WMTS expansion by many additional years.²

In denying TerreStar's waiver request, the Bureau failed to consider the beneficial consequences of TerreStar's request, expressed skepticism that additional WMTS capacity is necessary, blamed TerreStar for interference problems caused by the Commission's rules, and ignored the costs and benefits of its decision.³ Chairman Pai's letters highlight the flaws in the Bureau's analysis and confirm that its Order cannot stand.

* * *

This letter is being filed electronically in accordance with Section 1.1206(b)(2) of the Commission's rules. We remain available to discuss these matters further if that would be helpful.

Respectfully submitted,



Eugene Scalia

Enclosures

CC: Thomas M. Johnson, Jr., General Counsel, FCC

² See TerreStar Legal Analysis at 10–11.

³ See *id.* at 11–12.



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

December 31, 2018

The Honorable Erik Paulsen
U.S. House of Representatives
127 Cannon House Office Building
Washington, D.C. 20515

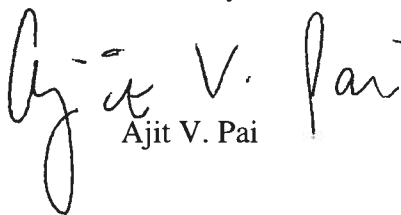
Dear Congressman Paulsen:

Thank you for your letter regarding the importance of the Wireless Medical Telemetry Service. I agree with you that telemedicine and wireless technologies have great potential to improve patient outcomes and reduce the costs of our health care system. That's why in June, the FCC increased funding for the Universal Service Fund's Rural Health Care program by \$171 million a year. That's why under the leadership of Commissioner Brendan Carr, the Commission is taking steps toward creating a \$100 million Connected Care pilot program that would facilitate broader participation by low-income families and veterans in telemedicine programs. That's why the Commission's Connect2Health Task Force has partnered with the National Cancer Institute to study how affordable, available broadband connectivity can impact health care delivery and patient health. And that's why the Commission has examined the potential for Wireless Medical Telemetry Services in different spectrum bands.

I agree with you that expanding Wireless Medical Telemetry Services in the 1.4 GHz band is an innovative opportunity—and one that deserves our attention. As you may know, spectrum adjacent to the existing Wireless Medical Telemetry Service allocation was once held by the private entity TerreStar. TerreStar acquired those licenses in 2007 and 2008. Over the subsequent decade, it failed to construct facilities and to put that public resource to use for consumers' benefit—resulting in the termination of those licenses under longstanding Commission rules. TerreStar has asked the Commission to reinstate these terminated licenses. We have received feedback in the record of that proceeding, and I look forward to reviewing that record to determine the best way forward for the medical community and the American people.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,


Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

December 31, 2018

The Honorable Paul Cook
U.S. House of Representatives
1222 Longworth House Office Building
Washington, D.C. 20515

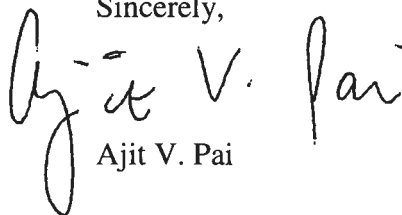
Dear Congressman Cook:

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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

December 31, 2018

The Honorable Tom MacArthur
U.S. House of Representatives
506 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman MacArthur:

Thank you for your letter regarding the importance of the Wireless Medical Telemetry Service. I agree with you that telemedicine and wireless technologies have great potential to improve patient outcomes and reduce the costs of our health care system. That's why in June, the FCC increased funding for the Universal Service Fund's Rural Health Care program by \$171 million a year. That's why under the leadership of Commissioner Brendan Carr, the Commission is taking steps toward creating a \$100 million Connected Care pilot program that would facilitate broader participation by low-income families and veterans in telemedicine programs. That's why the Commission's Connect2Health Task Force has partnered with the National Cancer Institute to study how affordable, available broadband connectivity can impact health care delivery and patient health. And that's why the Commission has examined the potential for Wireless Medical Telemetry Services in different spectrum bands.

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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

December 31, 2018

The Honorable John J. Faso
U.S. House of Representatives
1616 Longworth House Office Building
Washington, D.C. 20515

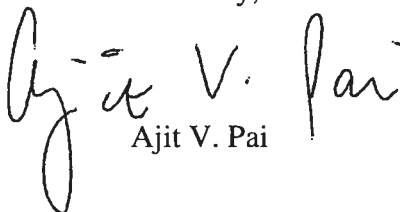
Dear Congressman Faso:

Thank you for your letter regarding the importance of the Wireless Medical Telemetry Service. I agree with you that telemedicine and wireless technologies have great potential to improve patient outcomes and reduce the costs of our health care system. That's why in June, the FCC increased funding for the Universal Service Fund's Rural Health Care program by \$171 million a year. That's why under the leadership of Commissioner Brendan Carr, the Commission is taking steps toward creating a \$100 million Connected Care pilot program that would facilitate broader participation by low-income families and veterans in telemedicine programs. That's why the Commission's Connect2Health Task Force has partnered with the National Cancer Institute to study how affordable, available broadband connectivity can impact health care delivery and patient health. And that's why the Commission has examined the potential for Wireless Medical Telemetry Services in different spectrum bands.

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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

December 31, 2018

The Honorable David Kustoff
U.S. House of Representatives
508 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Kustoff:

Thank you for your letter regarding the importance of the Wireless Medical Telemetry Service. I agree with you that telemedicine and wireless technologies have great potential to improve patient outcomes and reduce the costs of our health care system. That's why in June, the FCC increased funding for the Universal Service Fund's Rural Health Care program by \$171 million a year. That's why under the leadership of Commissioner Brendan Carr, the Commission is taking steps toward creating a \$100 million Connected Care pilot program that would facilitate broader participation by low-income families and veterans in telemedicine programs. That's why the Commission's Connect2Health Task Force has partnered with the National Cancer Institute to study how affordable, available broadband connectivity can impact health care delivery and patient health. And that's why the Commission has examined the potential for Wireless Medical Telemetry Services in different spectrum bands.

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Sincerely,

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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

December 31, 2018

The Honorable John Katko
U.S. House of Representatives
1620 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Katko:

Thank you for your letter regarding the importance of the Wireless Medical Telemetry Service. I agree with you that telemedicine and wireless technologies have great potential to improve patient outcomes and reduce the costs of our health care system. That's why in June, the FCC increased funding for the Universal Service Fund's Rural Health Care program by \$171 million a year. That's why under the leadership of Commissioner Brendan Carr, the Commission is taking steps toward creating a \$100 million Connected Care pilot program that would facilitate broader participation by low-income families and veterans in telemedicine programs. That's why the Commission's Connect2Health Task Force has partnered with the National Cancer Institute to study how affordable, available broadband connectivity can impact health care delivery and patient health. And that's why the Commission has examined the potential for Wireless Medical Telemetry Services in different spectrum bands.

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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

December 31, 2018

The Honorable Andy Barr
U.S. House of Representatives
1427 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Barr:

Thank you for your letter regarding the importance of the Wireless Medical Telemetry Service. I agree with you that telemedicine and wireless technologies have great potential to improve patient outcomes and reduce the costs of our health care system. That's why in June, the FCC increased funding for the Universal Service Fund's Rural Health Care program by \$171 million a year. That's why under the leadership of Commissioner Brendan Carr, the Commission is taking steps toward creating a \$100 million Connected Care pilot program that would facilitate broader participation by low-income families and veterans in telemedicine programs. That's why the Commission's Connect2Health Task Force has partnered with the National Cancer Institute to study how affordable, available broadband connectivity can impact health care delivery and patient health. And that's why the Commission has examined the potential for Wireless Medical Telemetry Services in different spectrum bands.

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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

December 31, 2018

The Honorable Matt Gaetz
U.S. House of Representatives
507 Cannon House Office Building
Washington, D.C. 20515

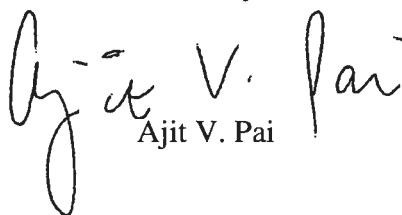
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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

December 31, 2018

The Honorable Bruce Poliquin
U.S. House of Representatives
1208 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Poliquin:

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FEDERAL COMMUNICATIONS COMMISSION
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December 31, 2018

The Honorable Robert Pittenger
U.S. House of Representatives
224 Cannon House Office Building
Washington, D.C. 20515

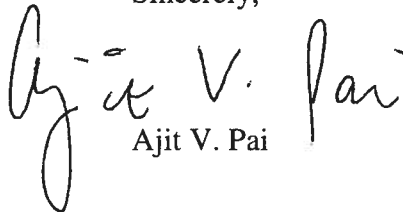
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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
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December 31, 2018

The Honorable Brian Fitzpatrick
U.S. House of Representatives
514 Cannon House Office Building
Washington, D.C. 20515

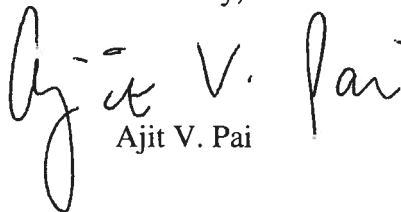
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FEDERAL COMMUNICATIONS COMMISSION
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OFFICE OF
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December 31, 2018

The Honorable Tom Emmer
U.S. House of Representatives
315 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Emmer:

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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
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December 31, 2018

The Honorable Mark Pocan
U.S. House of Representatives
1421 Longworth House Office Building
Washington, D.C. 20515

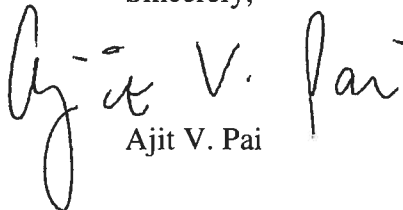
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

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December 31, 2018

The Honorable Jason Mark Lewis
U.S. House of Representatives
418 Cannon House Office Building
Washington, D.C. 20515

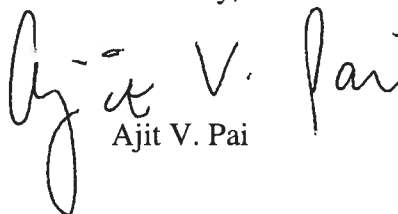
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December 31, 2018

The Honorable Mike Johnson
U.S. House of Representatives
327 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Johnson:

Thank you for your letter regarding the importance of the Wireless Medical Telemetry Service. I agree with you that telemedicine and wireless technologies have great potential to improve patient outcomes and reduce the costs of our health care system. That's why in June, the FCC increased funding for the Universal Service Fund's Rural Health Care program by \$171 million a year. That's why under the leadership of Commissioner Brendan Carr, the Commission is taking steps toward creating a \$100 million Connected Care pilot program that would facilitate broader participation by low-income families and veterans in telemedicine programs. That's why the Commission's Connect2Health Task Force has partnered with the National Cancer Institute to study how affordable, available broadband connectivity can impact health care delivery and patient health. And that's why the Commission has examined the potential for Wireless Medical Telemetry Services in different spectrum bands.

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I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink that reads "Ajit V. Pai".

Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

December 31, 2018

The Honorable Stacey Plaskett
U.S. House of Representatives
331 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Plaskett:

Thank you for your letter regarding the importance of the Wireless Medical Telemetry Service. I agree with you that telemedicine and wireless technologies have great potential to improve patient outcomes and reduce the costs of our health care system. That's why in June, the FCC increased funding for the Universal Service Fund's Rural Health Care program by \$171 million a year. That's why under the leadership of Commissioner Brendan Carr, the Commission is taking steps toward creating a \$100 million Connected Care pilot program that would facilitate broader participation by low-income families and veterans in telemedicine programs. That's why the Commission's Connect2Health Task Force has partnered with the National Cancer Institute to study how affordable, available broadband connectivity can impact health care delivery and patient health. And that's why the Commission has examined the potential for Wireless Medical Telemetry Services in different spectrum bands.

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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

December 31, 2018

The Honorable Tom Rice
U.S. House of Representatives
223 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Rice:

Thank you for your letter regarding the importance of the Wireless Medical Telemetry Service. I agree with you that telemedicine and wireless technologies have great potential to improve patient outcomes and reduce the costs of our health care system. That's why in June, the FCC increased funding for the Universal Service Fund's Rural Health Care program by \$171 million a year. That's why under the leadership of Commissioner Brendan Carr, the Commission is taking steps toward creating a \$100 million Connected Care pilot program that would facilitate broader participation by low-income families and veterans in telemedicine programs. That's why the Commission's Connect2Health Task Force has partnered with the National Cancer Institute to study how affordable, available broadband connectivity can impact health care delivery and patient health. And that's why the Commission has examined the potential for Wireless Medical Telemetry Services in different spectrum bands.

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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

December 31, 2018

The Honorable Brenda Lawrence
U.S. House of Representatives
1213 Longworth House Office Building
Washington, D.C. 20515

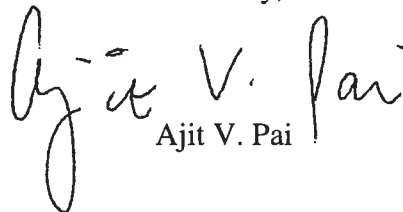
Dear Congresswoman Lawrence:

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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

December 31, 2018

The Honorable Larry Bucshon
U.S. House of Representatives
1005 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Bucshon:

Thank you for your letter regarding the importance of the Wireless Medical Telemetry Service. I agree with you that telemedicine and wireless technologies have great potential to improve patient outcomes and reduce the costs of our health care system. That's why in June, the FCC increased funding for the Universal Service Fund's Rural Health Care program by \$171 million a year. That's why under the leadership of Commissioner Brendan Carr, the Commission is taking steps toward creating a \$100 million Connected Care pilot program that would facilitate broader participation by low-income families and veterans in telemedicine programs. That's why the Commission's Connect2Health Task Force has partnered with the National Cancer Institute to study how affordable, available broadband connectivity can impact health care delivery and patient health. And that's why the Commission has examined the potential for Wireless Medical Telemetry Services in different spectrum bands.

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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

December 31, 2018

The Honorable William Lacy Clay
U.S. House of Representatives
2428 Rayburn House Office Building
Washington, D.C. 20515

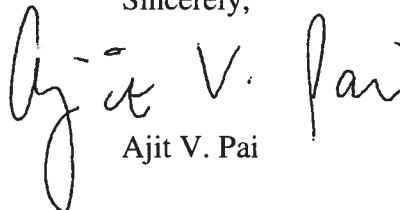
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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

December 31, 2018

The Honorable Mario Diaz-Balart
U.S. House of Representatives
440 Cannon House Office Building
Washington, D.C. 20515

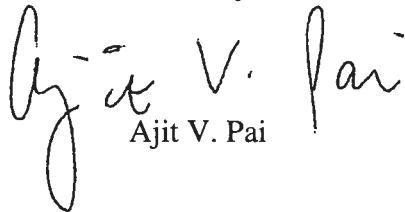
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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

December 31, 2018

The Honorable Hank Johnson
U.S. House of Representatives
2240 Rayburn House Office Building
Washington, D.C. 20515

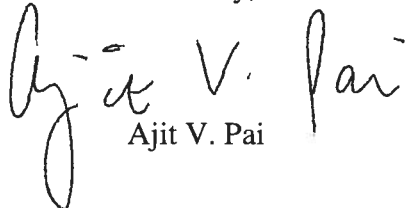
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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

December 31, 2018

The Honorable Joe L. Barton
U.S. House of Representatives
2107 Rayburn House Office Building
Washington, D.C. 20515

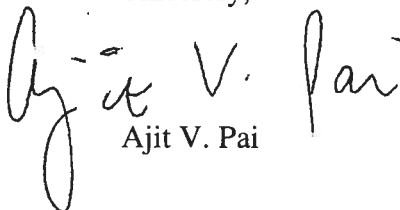
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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

December 31, 2018

The Honorable Ann McLane Kuster
U.S. House of Representatives
137 Cannon House Office Building
Washington, D.C. 20515

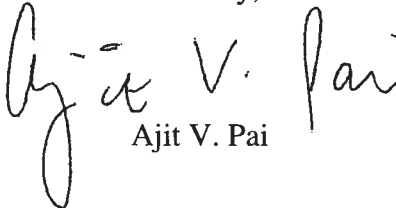
Dear Congresswoman Kuster:

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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

December 31, 2018

The Honorable Susan W. Brooks
U.S. House of Representatives
1030 Longworth House Office Building
Washington, D.C. 20515

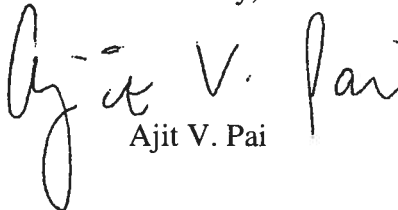
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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

December 31, 2018

The Honorable Alma Adams
U.S. House of Representatives
222 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Adams:

Thank you for your letter regarding the importance of the Wireless Medical Telemetry Service. I agree with you that telemedicine and wireless technologies have great potential to improve patient outcomes and reduce the costs of our health care system. That's why in June, the FCC increased funding for the Universal Service Fund's Rural Health Care program by \$171 million a year. That's why under the leadership of Commissioner Brendan Carr, the Commission is taking steps toward creating a \$100 million Connected Care pilot program that would facilitate broader participation by low-income families and veterans in telemedicine programs. That's why the Commission's Connect2Health Task Force has partnered with the National Cancer Institute to study how affordable, available broadband connectivity can impact health care delivery and patient health. And that's why the Commission has examined the potential for Wireless Medical Telemetry Services in different spectrum bands.

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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

December 31, 2018

The Honorable Cathy McMorris Rodgers
U.S. House of Representatives
1314 Longworth House Office Building
Washington, D.C. 20515

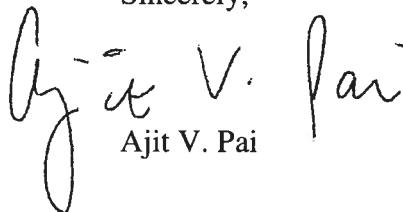
Dear Congresswoman McMorris Rodgers:

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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

December 31, 2018

The Honorable Robert A. Brady
U.S. House of Representatives
2004 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Brady:

Thank you for your letter regarding the importance of the Wireless Medical Telemetry Service. I agree with you that telemedicine and wireless technologies have great potential to improve patient outcomes and reduce the costs of our health care system. That's why in June, the FCC increased funding for the Universal Service Fund's Rural Health Care program by \$171 million a year. That's why under the leadership of Commissioner Brendan Carr, the Commission is taking steps toward creating a \$100 million Connected Care pilot program that would facilitate broader participation by low-income families and veterans in telemedicine programs. That's why the Commission's Connect2Health Task Force has partnered with the National Cancer Institute to study how affordable, available broadband connectivity can impact health care delivery and patient health. And that's why the Commission has examined the potential for Wireless Medical Telemetry Services in different spectrum bands.

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Ajit V. Pai